

### REMARKS

This Amendment is in response to the Final Office Action of July 22, 2008. In the Office Action, Claims 1-20 were indicated to be pending, and Claims 1-13 and 17 were indicated to be withdrawn from consideration. Claims 14-16 and 18-20 were rejected. Claim 12 has been canceled. New claims 21-24 have been added and are presented for consideration and allowance. With this Amendment, claims 14, 18 and 19 are amended and claims 14-16 and 18-21 are presented for reconsideration and allowance.

Claims 14 and 18 were rejected as being anticipated by DE 4404618 (Fussnegger). Applicant traverses the rejection.

Applicant has amended claim 14 to claim that the side sections of two adjacent closure elements are in guided sliding contact with each other during stacking and unstacking of the plurality of closure elements. The Fussnegger reference neither discloses or suggests the claimed structure.

Rather, Fussnegger discloses that the panels 32 become completely disengaged from each other when they are stacked in each individual stacking track 37, as shown in Fig. 7. Since the panels 32 are separated when in the stacking track 37, as shown in Fig. 7, the side sections of two adjacent closure elements are not in guided sliding contact with each other during stacking and unstacking of the plurality of closure elements, as claimed.

Due to the particular configuration of the front lower and rear upper part of the adjacent panels, and due to the particular shape of the tracks 37, the rear upper part of the forward panel is engaged again with the lower front part of the next panel when the forward panel is moved into the common guide track 33. A locking rail 78 having locking cams 79 is required to keep the panels in their stacking track. In order to allow the panels 32 to be moved out of their stacking track 37 again, the rail can be moved horizontally (through the elongated holes 80) against a spring force to give way to the front of the panels 32. Thus, any sliding engagement of the side sections of panels only occurs when the panels 32 are moved into the common guide track 33. The side sections of two adjacent panels in Fussnegger are not in guided

sliding sliding contact with each other during stacking and unstacking of the plurality of closure elements.

The guided sliding contact of side sections of two adjacent closure element leads to a more reliable structure, and a better functioning roof assembly. The closure elements are not only guided by storage tracks, but also by each other. This improves control of the closure elements in the stacked positions, and it is also a manner of reducing the stacking height as the panels are kept in close proximity through their side sections.

The guided sliding contact of side sections of adjacent closure elements when the adjacent closure elements are in a stacked position is not taught, suggested or rendered obvious in view of Fussnegger, as the particular curvature of track 37 is an alternative for the constant contact during the stacking and unstacking of the closure elements. Since Fussnegger fails to teach the missing features from claim 14, claim 14 is not anticipated by Fussnegger. Nor is it believed that the claimed invention would be obvious in view of Fussnegger. Therefore, independent claim 14 is in allowable form. Reconsideration and allowance of claim 14 are requested.

Claim 18 claims that the front and rear slide shoes that extend from each side of each closure element where each of the front slide shoes are positioned in a first storage track and each of the rear slide shoes are positioned in a second storage track. All of the front slide shoes on one side of the closure elements are retained in a first common track and all of the rear slide shoes on one side of the closure elements are retained in a second common track that is spaced apart from the first common track. This structure allows the closure elements to be positioned one above the other in the open (or stacked) position which allows for a more compact design.

In contrast, Fussnegger discloses that each of the panels is retained in individual and separate tracks. See, for Example, Figures 5 and 7. The individual and separate tracks align the panels in a downwardly angled position.

Fussnegger neither discloses utilizing common tracks nor stacking the panels one on top of the other as claimed. Therefore, Fussnegger does not anticipate, disclose or render obvious claim 18. Reconsideration and allowance of clam 18 are respectfully requested.

Dependent claims 15, 16, 19 and 20 recite further features that when combined with the features cited in the respective corresponding independent claims, and any intervening claims are believed to be separately patentable. Reconsideration and allowance of claims 15, 16, 19 and 20 are respectfully requested.

New claim 21 claims that the side sections of the panels are in sliding engagement and that the side sections overlap to form a slide connection when the panels are in stacked position to form a unit. Claim 21 further states that a biasing member forces the unit toward the at least one common longitudinal guide track.

As stated with respect to claim 18, the side sections of Fussnegger do not contact each other because each panel is stored in an individual track. Since the panels are stored in individual tracks the panels do not form a unit as claimed. Also, Fussnegger does not disclose biasing the panels toward the longitudinal track as the angled positioning of panels provides for the front end of each panel to be located in the track. Therefore, there is no need for a biasing member to bias the unit toward the at least one common longitudinal track as claimed.

By utilizing the alignment where the side sections are in sliding contact to form a unit that is biased toward the at least one common longitudinal guide track a more compact and reliable structure is realized. Therefore, claim 21 is also believed to be allowable over the prior art. Consideration and allowance of claim 21 are respectfully requested.

Claim 22 claims that at least one of the slide shoes of only an uppermost closure element of the stack of closure elements is disposed in the longitudinal track during stacking and stacking. In contrast, Fussnegger discloses that the front slide shoes of each of the closure elements is positioned in the longitudinal track when the closure elements are in a stacked position.

By utilizing the claimed configuration a more compact and reliable structure is realized. Therefore, claim 22 is also believed to be allowable over the prior art. Consideration and allowance of claim 22 are respectfully requested.

Claim 23 further defines the claimed invention of claim 22 as having a biasing member that engages the lowermost closure element of the stack of closure elements and biases

the stack of closure elements toward the longitudinal guide track. There is no disclosure or suggestion in Fussnegger of utilizing a biasing member. Rather, the closure elements are stored in a slanted configuration where when the lead panel is pulled into the longitudinal track the back edge engages the leading edge of the following panel and subsequently pulls the next closure element into the longitudinal track. Therefore, Fussnegger discloses utilizing the configuration of the closure element as well as the configuration of the stored closure elements to pull the closure elements into the longitudinal track. There is no disclosure or suggestion of utilizing a biasing member as claimed in claim 23.

Therefore, claim 23 is also believed to be allowable over the prior art. Consideration and allowance of claim 23 are respectfully requested.

Claim 24 claims that each of the closure elements moves a different vertical distance during stacking and unstacking. In contrast, Fussnegger discloses a configuration where each of the closure elements moves the same vertical distance during stacking and unstacking. Each of the closure elements in Fussnegger are stored at an angle where the front slide shoe is positioned within the longitudinal track. Therefore, the closure elements of Fussnegger move the same vertical distance. There is no disclosure or suggestion of moving each of the closure elements a different vertical distance during stacking and unstacking.

Therefore, claim 24 is also believed to be allowable over the prior art. Consideration and allowance of claim 24 are respectfully requested.

The foregoing remarks are intended to assist the Office in examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered exhaustive of the facets of the invention which are rendered patentable, being only examples of certain advantageous features and differences, which applicant's attorney chooses to mention at this time. For the foregoing reasons, applicant reserves the right to submit additional evidence showing the distinction between applicant's invention to be unobvious in view of the prior art.

Furthermore, in commenting on the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the same and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims.

The Application appears to be in condition for allowance, and favorable action is requested. The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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